

Notice of Allowability

Application No.

09/676,016

Examiner

Kenneth R. Coulter

Applicant(s)

NOBLE, SETH BRADLEY

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment on 4/24/07.
2. ☒ The allowed claim(s) is/are 1-9, 11-24, 28-46, 50-68, 72-90 and 94-117.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>4/25/07; 5/3/07</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert O'Rourke (Reg. No. 46,972) on 5/31/07.

2. The application has been amended as follows:

replace "26" (claim 30, line 1) with -- **28** --;

replace "49" (claim 50, line 1) with -- **38** --;

replace "48" (claim 52, line 1) with -- **38** --;

after "readable" (claim 60, line 1) insert -- **storage** --;

after "readable" (claim 61, line 1) insert -- **storage** --;

after "readable" (claim 62, line 1) insert -- **storage** --;

after "readable" (claim 63, line 1) insert -- **storage** --;

after "readable" (claim 64, line 1) insert -- **storage** --;

after "readable" (claim 65, line 1) insert -- **storage** --;

after "readable" (claim 66, line 1) insert -- **storage** --;

after "readable" (claim 67, line 1) insert -- **storage** --;

after "readable" (claim 68, line 1) insert -- **storage** --;

after "readable" (claim 72, line 1) insert -- **storage** --;

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replace "71" (claim 72, line 1) with -- **60** --;

after "readable" (claim 73, line 1) insert -- **storage** --;

after "readable" (claim 74, line 1) insert -- **storage** --;

replace "70" (claim 74, line 1) with -- **60** --;

after "readable" (claim 75, line 1) insert -- **storage** --;

after "readable" (claim 76, line 1) insert -- **storage** --;

replace "70" (claim 76, line 1) with -- **60** --;

after "readable" (claim 77, line 1) insert -- **storage** --;

after "readable" (claim 78, line 1) insert -- **storage** --;

after "readable" (claim 79, line 1) insert -- **storage** --;

after "readable" (claim 80, line 1) insert -- **storage** --;

after "readable" (claim 81, line 1) insert -- **storage** --;

after "readable" (claim 82, line 1) insert -- **storage** --;

after "readable" (claim 83, line 1) insert -- **storage** --;

after "readable" (claim 84, line 1) insert -- **storage** --;

after "readable" (claim 85, line 1) insert -- **storage** --;

after "readable" (claim 86, line 1) insert -- **storage** --;

after "readable" (claim 87, line 1) insert -- **storage** --;

after "readable" (claim 88, line 1) insert -- **storage** --;

after "readable" (claim 89, line 1) insert -- **storage** --;

after "readable" (claim 90, line 1) insert -- **storage** --;

after "readable" (claim 94, line 1) insert -- **storage** --;

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replace "93" (claim 94, line 1) with -- **82** --;

after "readable" (claim 95, line 1) insert -- **storage** --;

after "readable" (claim 96, line 1) insert -- **storage** --;

replace "92" (claim 96, line 1) with -- **82** --;

after "readable" (claim 97, line 1) insert -- **storage** --;

after "readable" (claim 98, line 1) insert -- **storage** --;

after "readable" (claim 99, line 1) insert -- **storage** --;

after "readable" (claim 100, line 1) insert -- **storage** --;

after "readable" (claim 101, line 1) insert -- **storage** --;

after "readable" (claim 102, line 1) insert -- **storage** --;

after "readable" (claim 103, line 1) insert -- **storage** --;

after "readable" (claim 104, line 1) insert -- **storage** --;

replace "method" (claim 105, line1) with -- **machine readable storage medium**

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replace "method" (claim 106, line1) with -- **machine readable storage medium**

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replace "method" (claim 107, line1) with -- **machine readable storage medium**

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replace "method" (claim 108, line1) with -- **machine readable storage medium**

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replace "method" (claim 109, line1) with -- **machine readable storage medium**

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replace "method" (claim 110, line1) with -- **machine readable storage medium**

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replace "method of claim 103" (claim 111, line 1) with -- **machine readable**

storage medium of claim 104 --;

replace "adjustment_further" (claim 111, line 1) with -- adjustment further --;

replace "method" (claim 112, line1) with -- **machine readable storage medium**

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replace "adjustment_further" claim 112, line 1) with -- adjustment further --;

replace "method" (claim 113, line1) with -- **machine readable storage medium**

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replace "method" (claim 114, line1) with -- **machine readable storage medium**

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replace "method" (claim 115, line1) with -- **machine readable storage medium**

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replace "method" (claim 116, line1) with -- **machine readable storage medium**

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replace "method" (claim 117, line1) with -- **machine readable storage medium**

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REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The prior art of record does not specifically disclose or remotely suggest

With regard to independent claims 1 and 104:

said setting a delay including:

calculating a first flow timeout threshold level;

calculating a second flow timeout threshold level; and

setting either the first flow timeout threshold level or the second flow timeout threshold level as the flow timeout threshold value based on a status of the ongoing data flow;

wherein:

setting said second flow timeout threshold level as the flow timeout threshold value makes the delay longer than setting said first flow timeout threshold level as the flow time out threshold value.

With regard to independent claims 16, 38, 60, and 82:

wherein if said information flow increase is deemed appropriate, said client scheduling said information flow increase so as to be implemented not until after at least some of said data, that has yet to arrive at said client, arrives at said client;

wherein said scheduling further includes identifying a specific amount of data that is to be received at said client after said client's most recent, previous information flow increase but before said information flow increase is to be implemented;

wherein said identifying further includes setting a flow threshold pointer that points to a value indicative of said specific amount, said method further including

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advancing, as a result of a subsequent arrival event, a flow timeout pointer toward said flow threshold pointer, said advancing being an amount that is commensurate with the portion size of said data being carried by a message that was received by said client so as to trigger said subsequent arrival event.

4. These limitations, in conjunction with the other limitations in the independent claims, are not specifically disclosed or remotely suggested in the prior art of record.

A review of claims 1 – 9, 11 – 24, 28 – 46, 50 – 68, 72 – 90, and 94 – 117, in view of the Examiner's arguments above, indicates that claims 1 – 9, 11 – 24, 28 – 46, 50 – 68, 72 – 90, and 94 – 117 are allowable over the prior art of record.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on M - F, 7:30 am - 4 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KENNETH R. COULTER
PRIMARY EXAMINER



krc